

III. REMARKS

Claims 1-8 are pending in this application. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, claims 1-8 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Alter, Steven; *Information Systems: A Management Perspective*, 2nd Edition, The Benjamin/Cummings Publishing Company, 1996 (hereafter “Alter”), in view of Ruffin (U.S. Patent No. 6,219,654), hereafter “Ruffin,” and further in view of Willcocks *et al.* (Willcocks, Leslie; Choi, Chong; “Co-operative Partnership and ‘Total’ IT Outsourcing: From Contractual Obligation to Strategic Alliance?”; *European Management Journal*, March 1995), hereafter “Willcocks.”

A. DECLARATION UNDER 35 U.S.C §103(c)

Applicant respectfully objects to the Office’s use of Ruffin as a reference in its rejection under 35 U.S.C. §103(a). Specifically, Applicants, concurrently with this response, have filed a declaration under 37 C.F.R. §1.131. This declaration means that the Ruffin reference constitutes prior art only under 35 U.S.C. §102(e). Furthermore, Applicants assert that Ruffin (U.S. Patent No. 6,219,654) was owned by and Application (10/042,625) was subject to an obligation of assignment to International Business Machines Corporation of Armonk, New York at the time the invention of Application 10/042,625 was made. For the above stated reasons, the above-


referenced 35 U.S.C. §103(a) rejections of claims 1-8 based on the reference of Ruffin are improper and should be withdrawn. Accordingly, Applicant submits that claims 1-8 are allowable and respectfully requests that the Office withdraw its rejections.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,


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Hunter E. Webb
Reg. No.: 54, 593

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
(518) 449-0044
(518) 449-0047 (fax)

RAD/hew